#

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3786 OF 2006

Devnath Nilkantha Khawas .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.A.P.Mundargi, Senior Advocate with Ganesh Gole for applicant

Ms.M.H.Mhatre, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th October 2006

P.C.

. Mr.Mundargi, learned Senior Counsel appearing for applicant who is arrested in

connection with C.R.No.I-101 of 2006 registered with Wagale Estate Police Station alleging offences of forgery and cheating, submits that the applicant's case is on par with the other employee of the Slum Rehabilitation Authority. He submits that the co-accused who is superior officer has been enlarged on bail. Applicant was serving as Dy.Accounts Officer at the relevant time and considering his role, it cannot be said that he is responsible for the funds being diverted into account of some Public Charitable Trust.

2. The fact that the applicant is an officer working in the SRA along with co-accused, who has been enlarged on bail is not seriously disputed by the learned A.P.P. One Krishna Pandurang Gandhe who was at the relevant time working as Accounts Officer was enlarged by this Court on 4th September 2006.

3. In the above circumstances and on the

ground of parity so also in the light of the role attributed to the applicant, he deserves to be enlarged on bail. Hence, following order:-

i) The applicant arrested in connection with C.R.No.I 101 of 2006 registered with Wagale Estate Police Station shall be enlarged in the sum of Rs.15,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer of Wagale Estate Police Station once in a fortnight till conclusion of the trial. The applicant shall deposit his passport, if any, with I.O. Wagle Estate Police Station, Thane. Deposit is condition precedent.

iii) The order of bail will be given

effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of

bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)